

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
ALLSTATE INSURANCE COMPANY
A/S/O HUI LI and
HUI LI, Individually

Plaintiff,

- against -

THE UNITED STATES OF AMERICA
Defendant.
-----X

COMPLAINT

08 CIV. 7550
JUDGE SEIBEL

Plaintiffs by their attorneys Carl S. Young & Associates, complaining of defendant alleges:

**FIRST CAUSE OF ACTION
ON BEHALF OF ALLSTATE INSURANCE COMPANY**

1. This claim is brought under 28 USC § 2671 et seq.
2. At all times hereinafter mentioned, the Plaintiff, Allstate Insurance Company, was and still is a corporation authorized to do business in the State of New York.
3. Upon information and belief at all times hereinafter mentioned the defendant was situated within the jurisdiction and venue of this court.
4. On 11/01/2007, there was in effect a policy of insurance issued by plaintiff to its insured, Hui Li against the peril inter alia, of physical damage to a 2001 Subaru vehicle.
5. At all times hereinafter mentioned the plaintiff's subrogor, Hui Li was the owner of a 2001 Budaru, motor vehicle bearing NY State Registration No. CKA4008.
6. That on 11/01/2007, plaintiff's subrogor, was operating the aforesaid motor vehicle on Columbus Avenue, Valhalla, State of New York.
7. Upon information and belief, at the aforesaid time the defendant was the lessee of or had care, custody and control of a 2006 Chrysler, NY State Registration No. DHG1084, vehicle.

8. Upon information and belief, at the aforesaid time and place defendant's vehicle was being operated by one Carlton Boykin, while in the course of his employment and with the consent and permission of the defendant.

9. That at the time and place aforesaid as a result of the negligence of the defendant, its agents, servants, and employees, the vehicles of plaintiff's subrogor and defendant came in contact and collision causing damage to the said vehicle.

10. The negligence of the defendant consisted in operating its motor vehicle at an excessive rate of speed under the circumstances; in failing to have defendant's vehicle under proper control; in failing to observe the conditions of traffic at the time and place hereinbefore mention; in failing to obey traffic signals, devices and sign; in failing to sound a horn or other warning of the approach of defendant's vehicle, in failing equip the vehicle with proper safety devices; in failing to comply with the statutes, rules and ordinances governing the operation of a motor vehicle; in failing to bring the vehicle to a halt or alter its course so as to avoid, avert or prevent the occurrence.

11. As a result of the aforesaid occurrence, plaintiff's subrogor sustained damages to her vehicle in the sum of \$10,349.22.

12. Pursuant to its policy of insurance with plaintiff's subrogor, plaintiff paid the sum of \$500.00.

13. That upon and to the extent of the foregoing payment, plaintiff became subrogated to the rights of its subrogor.

14. As a result of the foregoing plaintiff, Allstate Insurance Company, has been damaged in the amount of \$9,749.22.

**SECOND CAUSE OF ACTION
ON BEHALF OF HUI LI**

15. Plaintiff Hui Li repeats each allegation set forth in paragraphs 1-12 with the same force and effect as though fully set forth at length herein.

16. That pursuant to the terms of the policy of insurance between Allstate Insurance Company and this plaintiff, the insurer was to deduct the amount of \$500.00 from its payment of any indemnity for collision damage.

17. As a result of the foregoing Allstate Insurance Company deducted the amount of \$500.00 from its payment to, or on behalf of, this plaintiff.

18. As a result of the occurrence and negligence complained of above, the plaintiff, Hui Li sustained damages in the amount of \$500.00.

WHEREFORE, plaintiff demands judgment as follows:

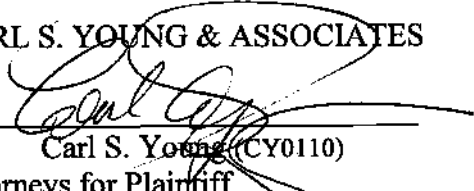
On the first cause of action, in favor of Allstate Insurance Company in the amount of \$9,749.22.

On the second cause of action, in favor of Hui Li in the amount of \$500.00..

On both causes of action, with interest from 11/01/2007, and the costs and disbursements of this action.

Dated: New York, New York
August 15, 2008

CARL S. YOUNG & ASSOCIATES

By: 
Carl S. Young (CY0110)

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